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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,603	11/09/1999	VINCENT P. LASKO	PPC-0720	6875
7590	02/03/2006		EXAMINER	
AUDLEY A CIAMPORCERO JR ESQ JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUSWICK, NJ 089337003			MATZEK, MATTHEW D	
		ART UNIT	PAPER NUMBER	1771

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/436,603	LASKO, VINCENT P.
	Examiner Matthew D. Matzek	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

1. The amendment dated 11/16/2005 has been considered and entered into the Record. Claims 1-6 and 10-16 have been canceled and claims 7-9 are presently active. Amended claim 7 contains no new matter. The previously applied prior art rejections have been withdrawn due to amendment. New art rejections are as follows.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takai et al. (US 6,471,426) in view of Gibes et al. (US 6,380,292) and in view of Giacometti (EP 0737462 A1).

a. Takai et al. teach a body absorbent article comprising a base layer made of hydrophilic thermoplastic synthetic resin film or nonwoven fabric with tapered apertures (Abstract and Fig.2). In Fig. 4, the first surface, (the garment facing side) is coated with an adhesive **20**, which is used to adhere flocked fibers **21**. The apertures originate in the second surface (body facing side, or top layer) and extend from said first surface to said second surface. Takai et al. is silent as to the incorporation of an additive into the adhesive composition, the use of patterned adhesive application in the applied article and the use of apertures in area not patterned with adhesive.

b. Gibes et al. teach the application of a hot melt adhesive that comprises a hydrophilic surfactant (Abstract and col. 2, lines 40-45). The invention of Gibes et al. is directed for use in absorbent articles (col. 2, lines 33-46).

- c. Giacometti teaches a laminated material for the production of sanitary napkins that comprise a layer of flocked fibers (Abstract). The top sheet comprising the flocked fibers may have a perforated zone free of flocked fibers and an unperforated zone covered with fibers (col. 3, lines 43-51). This results in a patterning of adhesive on the article with the perforated (apertured) area free of adhesive and adhesively attached flock fibers on the remainder of the article. Figure 6 clearly illustrates this embodiment.
- d. Since Takai et al., Gibes et al. and Giacometti are from the same field of endeavor, personal absorbent articles, the purposes disclosed by Gibes et al. and Giacometti would have been recognized in the pertinent art of Takai et al.
- e. It would have been obvious at the time of the invention was made to a person of ordinary skill in the art at the time the invention was made to modify the absorbent article of Takai with the application of the hydrophilic adhesive of Gibes et al. with the motivation of directing the discharge away from the body and into the absorbent core of the article (Abstract and col. 2, lines 33-46, Gibes et al.).
- f. It would have been obvious at the time the invention was made to a person of ordinary skill in the art at the time the invention was made to modify the absorbent article of Takai with the patterned adhesive, selectively flocked/apertured areas of Giacometti. The skilled artisan would have been motivated by the desire to create an article that directs the fluid towards the zone that is free of fibers (i.e. apertured area) to permit its rapid downflow into the absorbent mass below (col. 3, lines 45-55).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdm *MDM*